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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,361	12/21/2001	Kent Johnson	27943-00415USP2	4329
27045	7590	02/23/2006	EXAMINER	
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR C11 PLANO, TX 75024			TRAN, PHUC H	
			ART UNIT	PAPER NUMBER
			2668	

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/029,361	<b>Applicant(s)</b> JOHNSON ET AL.	
	<b>Examiner</b> PHUC H. TRAN	<b>Art Unit</b> 2616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 12-25 and 27-33 is/are rejected.
- 7) ☒ Claim(s) 9-11, 26-28 and 34-36 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

\* Note: the claim (1,4-7,9-11, &17-18) limitations that employ phrases of the type “**adapted to**” are typical of claim limitations, which may not distinguish over the prior art. The limitations after the “**adapted to**” performing a function is not a (consider) positive limitation but only requires the ability to so perform.

#### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-5, 14-23, and 29-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Butler et al. (Pub. No. 2003/0012183 A1).

- With respect to claims 1-3,16,20,21, & 29, Butler teaches a system for combining narrowband and broadband transport mechanisms in a communications network (e.g. Fig. 1), comprising:

Art Unit: 2616

a control node including switching intelligence and narrowband switching fabric (SG in Fig. 1); pluralities of connection control nodes each including broadband switching fabric (MG in Fig. 1); and

an intermediate node operatively connectable to the call control node and the plurality of connection control nodes, the intermediate node including plurality processors interwork between the call control node and the plurality connection control nodes (SX in Fig. 1 between 10 and 16); wherein the call control node further includes a load distribution function adapted to distribute the load amongst the plurality of call processors (e.g. Fig. 1 shows SX distributes load to MGs ).

- With respect to claims 4,17,22, & 30, Butler also teaches wherein the load distribution function is further assigning the assigned call processor on a round-robin basis (page 10, paragraph 143).

- With respect to claims 5,18,23, & 31, Butler discloses wherein the load distribution function is further assign the assigned call processor using load information related to the load on each of the plurality of call processors (page 2, paragraphs 16, & 25).

- With respect to claims 14, & 19, Butler teaches wherein the call control node is a legacy switch and the intermediate node is a mediation logic node, the legacy switch and the mediation logic node together forming a media gateway controller (e.g. Fig. 1 shows SG, SX and MG).

- With respect to claim 15, Butler teaches wherein the plurality of connection control nodes is media gateways within an ATM network (Fig. 5 shows ATM network).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-8,12,24,25,32, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butler et al. (Pub. No. 2003/0012183 A1) in view of Mauger et al. (U.S. Patent No. 6917586 B1)

- With respect to claims 6,24, & 32, Butler discloses all the aspect of the claimed invention as set forth above but fails to teach wherein the assigned call processor is encode a message sent from the call control node to a selected one of the connection control nodes for the call. Mauger teaches encode a message (col. 5, lines 49-50) for protection and communication. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to implement the encoding message into Butler's invention for protecting the message and transmitting from narrowband to broadband.

- With respect to claims 7, 25, & 33, Butler also fails to teach wherein the assigned call processor is further decode a message sent from the selected connection control node to the call control node. Mauger teaches decode a message (col. 6, line 15) for communication between devices. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to implement the decoding message to communication between devices in the network/

- With respect to claim 8, wherein each of the plurality of connection control nodes has a transport link to a linked one of the plurality of call processors (links 40 in Fig. 2).

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-8, 12-25, & 27-33 have been considered but are moot in view of the new ground(s) of rejection.

***Allowable Subject Matter***

6. Claims 9-11, 26-28, 34-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Frey (U.S. Patent No. 5848128) discloses telecommunication call preservation in the presence of control failure.
- Evans et al. (U.S. Patent No. 6061363) discloses communications system with load sharing communication interface.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H. TRAN whose telephone number is (571) 272-3172. The examiner can normally be reached on M-F (8-4:30).

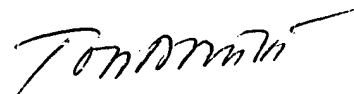
Art Unit: 2616

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuc Tran  
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Art Unit 2664

P.t  
2/19/06



DANG TON  
PRIMARY EXAMINER